

Exhibit A

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC420-2017-1302
and EEOC

State or local Agency, if any:

Name (Indicate Mr., Ms., Mrs.)

Mrs. Shawnetta Collins

Home Phone (incl. Area Code)

(334) 213-0138

Date of Birth

12/31/1968

Street Address

City, State and ZIP Code

4344 Liztame Drive, Montgomery, Alabama 36106

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Koch Foods Inc. and Koch Foods of Alabama

No. Employees, Members

13,000+

Phone No. (Include Area Code)

(334) 281-0400

Street Address

City, State and ZIP Code

3500 Western Blvd. Montgomery, Alabama 36108

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE:

Earliest

2016

Latest

July, 2017



CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

See attached Exhibit A.

RECEIVED

SEP 14 2017

U.S. EEOC
Birmingham District Office

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their

Pursuant to penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE(month, day, year)

9/7/2017

Date

Shawnetta Collins

Charging Party Signature

EXHIBIT A

CHARGE OF DISCRIMINATION

Shawnetta Collins

My name is Shawnetta Collins and I have been employed for 26 years with Koch Foods Inc./Koch Foods of Alabama in Montgomery, Alabama (hereinafter "Koch Foods"). I am an African American Female and over the age of 40 years. For several years I have worked as the Human Resource Manager for the Koch Foods kill plant, but I have also worked as the Human Resource Manager at the debone plant.

In my position as Plant HR Manager, I would report to the Complex HR Manager which directly oversees all HR functions at the kill and debone facilities. Koch Foods employs over 500 people and has three shifts. My job responsibilities involved managing all of the hiring, training, disciplining and firing of employees. I was also responsible for gathering data and processing all state and federal government paperwork as that function relates to the employees at Koch Foods.

In late 2016, David Birchfield, the Complex HR Manager and a Caucasian male, tendered his resignation and left Koch Foods. The position was posted by Robert (Bobby) Elrod ("Elrod"), the Human Resource Director for Koch Foods, Inc./Koch Foods of Alabama, LLC. I applied for this position. At the time of my application for the Complex HR Manager position, I was the HR Manager at the kill plant, and the most senior HR Manager at the Koch Foods complex in Montgomery. I hold a Master's degree in Human Resources. I don't recall having ever been disciplined during my 26 years of employment. At certain points during my career at Koch Foods, I was asked to represent the company in litigation brought by employees, as the company representative. Despite my impressive career with Koch Foods, my seniority, and my qualifications; Koch Foods and Elrod did not interview me for the Complex HR Manager position. Instead, Elrod, hired Michael Carow ("Carow"), a Caucasian male, from outside the company.

In 2016, after submitting my application for the Complex HR Manager job, I was moved to the HR Manager position at the debone plant. Elrod moved me to the position stating that he knew I had applied for the promotion, but would not discuss the promotion with me. He said he was moving me to the debone plant in order to separate me from my fiancé and to look at what was going on at the debone plant.

I reported to Carow for several months. We had a congenial and professional relationship. Carow recognized my work at Koch Foods and often deferred to me in different decision-making processes. The work environment was very team oriented. Unfortunately, Carow decided he wanted to leave Koch Foods and the Complex HR Manager position. He told me that he was leaving Koch Foods and that Elrod had assigned him the task of finding a suitable replacement. Carow encouraged me to apply and submit my resume. I was very interested in the position and encouraged by Carow personally asking me to apply for the position. He has always been complimentary of my skills and experience. I applied for the position again and forwarded my resume to Carow.

During a meeting I requested with Elrod, I discussed with him that Carow had advised me that he was leaving Koch Foods and was told to find his replacement, and as a result had asked that I apply. Elrod was surprised that I had again applied for the promotion. Elrod stated that he had hired a new plant manager, Michael Gadbarry, and I was to report to him at the debone plant and not Carow. I told Elrod that I had never reported to a plant manager in my position as HR Manager, why would I report to one now. Elrod continued talking about the plant manager without discussing my application.

On July 25, 2017, Carow asked me to come to his office. Elrod was also present at this meeting wherein he discussed my marriage for about one hour. It was after this office conference that Elrod informed me that I was fired. I asked why I was being fired and Elrod said that I had violated company policy. I asked what policy and he said that I was married to an employee. I told Elrod that he had known this for years, and that before I married my husband, we were dating and had lived together and he was never bothered by that in any of my positions or work for the company, so why now. He said it did not look good that we were married. I said, so now that I have married and tried to get my life right with God, you are going to fire me? Elrod said leave morals out of it, look at how it looks that you are married to an employee. I said you weren't bothered when I was living with an employee so why now? I then commented on two other white Koch Foods employees that are currently married to each other and pointed out that he was not firing them. Elrod became further hostile and refused to answer any of my questions and told me I was fired immediately. Elrod allowed me to go back to the debone plant and gather my belongings. I left the room with Elrod and Carow still there.

I believe that I am being terminated, denied a promotion and denied a pay raise due to my race, my age, my sex and in retaliation for my prior positions that have been adverse to the company. Koch Foods refusal to interview me for a position and promote me to the position, on two separate occasions, when I am the most qualified candidate is only based on Elrod's insidious racial bias that I have personally observed over the years in his numerous hiring, promotion, discipline and termination decisions.